

Bucichio, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHARAGANO HOLDINGS, INC.,

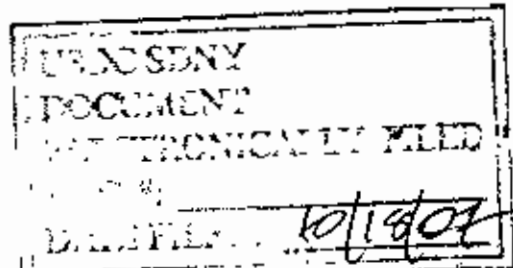
Plaintiff,

v.

JMB APPAREL DESIGNER GROUP, INC.,

Defendant.

Civ. Action No. 07 Civ. 6244 (NRB)



**STIPULATION AND CONSENT DECREE**

This Stipulation and Consent Decree is entered into this 17th day of October, 2007 by, between and among plaintiff Sharagano Holdings, Inc. ("Sharagano") and defendant JMB Apparel Designer Group, Inc. ("JMB").

WHEREAS, Sharagano commenced this action on July 6, 2007, by order to show cause seeking, among other things, a preliminary injunction enjoining JMB from using Sharagano's "SHARAGANO" trademark (the "Trademark") (the "Action");

WHEREAS, JMB opposed the relief sought and denied that it was using the Trademark or violating any of Sharagano's rights;

WHEREAS, at a telephonic conference with the Court on September 5, 2007, the parties appeared by counsel and consented to the entry of a Consent Decree in the form as stated herein, in lieu of a ruling on the preliminary injunction application.

**NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED ON CONSENT that:**

1. As of the date hereof, and pending the final resolution of this Action, JMB, its agents, servants, employees and representatives: (i) shall not use the SHARAGANO Trademark,


or any combination or colorable imitation thereof, on any new sales of JMB merchandise or garments or in connection with any advertising, production, publication, display, distribution, or other dissemination, related to such new sales; (ii) shall not make any new sales of JMB merchandise using the labels and hangtags identified as B and C in Exhibit 11 to the Affidavit of Ben Choy, sworn to on July 13, 2007, that has been submitted in this Action; and (iii) shall not make any new sales of JMB merchandise that use a label or hangtag that displays a script font using or suggesting the word "Sharagano" or anything confusingly similar thereto.

2. This Consent Decree shall not constitute an admission or acknowledgement of any wrongdoing, nor shall it constitute a finding by the Court on any fact or issue in dispute or before this Court and shall be entered without prejudice to all claims, defenses and counterclaims of the parties herein.

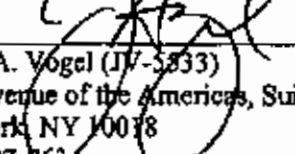
3. The obligations imposed under this Consent Decree shall apply to any and all successor corporations of the parties herein.

4. The parties agree that the Court will retain jurisdiction over the matters addressed herein for purposes of enforcing this Consent Decree.

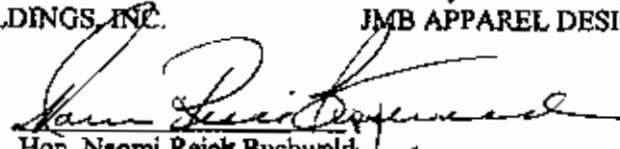
WACHTEL & MASYS, LLP

By:   
John H. Reichman (JR-2184)  
Meagan A. Zapotocky (MZ-8505)  
110 East 59<sup>th</sup> Street  
New York, NY 10022  
(212) 909-9500  
Attorneys for Plaintiff  
SHARAGANO HOLDINGS, INC.

KRAVET & VOGEL, LLP

By:   
Joseph A. Vogel (JV-5833)  
1040 Avenue of the Americas, Suite 1101  
New York, NY 10018  
(212) 997-7634  
Attorneys for Defendant  
JMB APPAREL DESIGNER GROUP, INC.

SO ORDERED:

  
Hon. Naomi Reick Buchwald  
U.S.D.J.

(Dated: 10/18/07)